

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.23714 of 2005

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Dated:07.11.2005

Between:

Smt. Bharahi Reddy, W/o. Sri Hanmanth Reddy,
R/o. Venkatayapalli, Devarakadra Mandal,
Mahabubnagar Dist.

..... PETITIONER

AND

The District Collector, Mahabubnagar, and others.

.....RESPONDENTS

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WRIT PETITION No.23714 of 2005

ORDER:

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The petitioner is a resident of Venkataipalli Village, Devarakadra Mandal, Mahabubnagar District. She claims to be a Congress worker interested in the development of her Village. In this Writ Petition, she seeks a writ of Mandamus declaring the action of the first respondent in directing the release of payment for the works to the fifth respondent as illegal and arbitrary.

It is the case of the petitioner that the fifth respondent, who is the President of the Mandal Parishad, has made several fraudulent claims in respect of the work of clearance of Jungle and strengthening of bund of Polsonikunta of Venkataipally Village without doing any work. Therefore, the petitioner complained to the District Collector, who directed the Joint Collector to conduct enquiry. After conducting enquiry, the Joint Collector submitted a report to the District Collector on 27.07.2005 concluding that no payment can be made to the fifth respondent. In spite of the same, the first respondent issued proceedings, impugned in the writ petition, ordering payment, which is illegal and arbitrary.

Learned Counsel for the petitioner, Sri S.Satyam Reddy, has taken this Court through the report of the Joint Collector as well as the other material. He would submit that if any payment is made to the fifth respondent, who has not done any work, it would be illegal.

A perusal of the impugned order would show that after submission of the report to the Joint Collector, the fifth respondent made a representation on 11.08.2005 and submitted that even according to the Enquiry Officer, the work was completed. The fifth respondent requested the first respondent to make payment by way of rice and cash to poor coolies, who worked on the project. Accordingly, the District Collector directed the Executive Engineer, Panchayat Raj, Narayanpet, and the Revenue Divisional Officer, Narayanpet, to verify the works done by the coolies personally and pay the cash and rice through Muster roll and acquittance. The proceedings of the Collector, therefore, do not amount to directing the payment of amount and delivery of rice to the fifth respondent. The Officials were directed to personally verify and make payment of cash and rice to the coolies after obtaining acquittance from them. Even if there is any truth in the allegation that the fifth respondent is making fraudulent claim, the District Collector has taken every precaution to see that amount is paid and rice is delivered directly to the coolies who worked in the completion of the project.

The Writ Petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO, J)

07.11.2005

vs